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12 **UNITED STATES DISTRICT COURT**

13 **NORTHERN DISTRICT OF CALIFORNIA**

15 GABBI LEMOS,

16 Plaintiff,

17 v.

18 COUNTY OF SONOMA, STEVE FREITAS,  
 19 MARCUS HOLTON, and DOES 1-25,  
 inclusive.

20 Defendants.

Case No. CV-15-05188 YGR

22  
 23 **JOINT UPDATE AND REQUEST FOR  
 FURTHER STAY OF CIVIL  
 PROCEEDINGS PENDING RESOLUTION  
 OF PENDING CRIMINAL PROCEEDINGS**

24 **Compliance Hearing Date: July 22, 2016**

Time: 9:00 a.m.

Courtroom 1, 4<sup>th</sup> Floor

Judge: Hon. Yvonne Gonzalez-Rogers

25 The Parties jointly submit this update as ordered by the Court in its Order at Dkt. No. 30  
 26 filed on April 18, 2016 in advance of the compliance hearing set on July 22, 2016.

27 On April 15, 2016 the parties filed a stipulation requesting this matter be stayed pending  
 28 the outcome of plaintiff's criminal prosecution because her criminal case arose out of her conduct

1 during the same incident that gave rise to this civil case. The court stayed this case on April 18,  
2 2016.

3 Plaintiff's criminal proceeding, after being continued, now is currently set for trial on  
4 August 18, 2016.

5 The Parties therefore request that the stay in this matter be extended during the pendency  
6 of plaintiff's pending criminal proceedings because of potential issues related to *Heck v.*  
7 *Humphrey*, 512 U.S. 477 (1994) and because plaintiff will not waive her right to assert in this  
8 civil lawsuit her 5th amendment rights against self-incrimination.

9 Dated: July 13, 2016

Respectfully submitted,

10 **SCOTT LAW FIRM**

11  
12 By: /s/John Houston Scott

John Houston Scott

13 Attorneys for Plaintiff GABBI LEMOS

14  
15 **LAW OFFICES OF IZAAK D. SCHWAIGER**

16 Dated: July 13, 2016

17 By: /s/Izaak D. Schwaiger

Izaak D. Schwaiger

18 Attorneys for Plaintiff GABBI LEMOS

19  
20 Dated: July 13, 2016

**BERTRAND, FOX, ELLIOT, OSMAN  
& WENZEL**

21  
22 By: /s/Richard W. Osman

Richard W. Osman

23 Attorneys for Defendants COUNTY OF  
24 SONOMA, STEVE FREITAS, and MARCUS  
25 HOLTON

## **ORDER**

WHEREFORE, pursuant to stipulation of the parties, it is hereby ordered that this matter is stayed pending the outcome of the plaintiff's pending criminal proceedings.

Date: \_\_\_\_\_

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The Honorable Yvonne Gonzales Rogers  
Judge for the United States District Court  
Northern District of California

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